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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,573	09/19/2003	Michael John Sinclair	A01560 AECM/sd	8616

21898 7590 11/03/2004  
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EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

**Office Action Summary****Application No.**

10/666,573

**Applicant(s)**

SINCLAIR ET AL.

**Examiner**

Umakant K. Rajguru

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

1. Claims under examination are 1-19.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim is indefinite because exact meaning and nature of "active groups" on line 7 of this claim are not clear.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al (EP 924,166).

Wang describes thermoplastic resin-coated ammonium phosphate. Core material is ammonium polyphosphate. Other materials are a thermosetting resin, and a melamine monomer or surface-treating agent (abstract; page 3, lines 7-9). A thermoplastic resin coats the phosphate. Epoxy resins and phenolic resins are suitable as thermosetting resins (page 6, lines 13-15).

Above claims therefore lack novelty.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (EP 924,166).

It would have been obvious from the above disclosure of Wang to follow its teachings and arrive at claimed invention.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (EP 924,166) as applied to claim 1 above, and further in view of Marx (US 4,767,832).

Wang does not mention (claimed) phenolic curing agent.

Marx describes phenolic curing agents for epoxy resins.

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It would have been obvious to use phenolic curing agent for epoxy resin in the composition of Wang for faster curing.

9. Claims 7, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (EP 924,166) as applied to claims 1 and 14 respectively above, and further in view of Roth et al (US 3,912,845).

Wang does not mention (claimed) aldehyde or ketone resins.

Roth describes an intumescent composition containing an interpolymer based on sulfonamide-aldehyde.

It would have been obvious to include an aldehyde or a ketone resin in the composition of Wang in order to reduce cost, enhance leveling and increase resistance to moisture.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (EP 924,166) as applied to claim 1 above, and further in view of Nugent, Jr. et al (US 5,108,832).

Wang does not mention (claimed) melt viscosity modifier.

Nugent describes coating composition in which hydrogenated castor oil is used (column 10, lines 49 and 50) for controlling viscosity.

It would have been obvious to include the same ingredient in the composition of Wang for enhanced rheology control.

11. Claims 11-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (EP 924,166) as applied to claim 1 above, and further in view of von Bonin (US 4,740,527).

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Wang does not mention (claimed) coloring agents and additives.

Von Bonin describes intumescent masses containing inorganic fillers, catalysts, color pigments etc. (column 7, lines 13-22).

It would have been obvious to include in the composition of Wang coloring agents and other suitable additives (as suggested by von Bonin) in order to impart desirable color appearance, opacity as well as to enhance mechanical strength of molded parts.

12. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is (571) 272-1077. The examiner can generally be reached on Monday-Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



U.K. Rajguru/dh  
September 15, 2004



**James J. Seldle**  
**Supervisory Patent Examiner**  
**Technology Center 1700**